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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/530,810	04/08/2005	Matthew Lee Brown	PU4807USW	7741
23347	7590 01/23/2006		EXAMINER	
GLAXOSMITHKLINE			KOSACK, JOSEPH R	
	E INTELLECTUAL PRO LE DR., PO BOX 13398	PERTY, MAI B4/5	ART UNIT	PAPER NUMBER
RESEARCH TRIANGLE PARK, NC 27709-3398		1626		

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Disposition of Claims  ## And Pick action Summary    The MAILING DATE of this communication appears on the cover sheet with the correspondence address	<del></del>		Application No.	Applicant(s)				
Examiner  Joseph Kosack  -The MAILING DATE of this communication appears on the cover sheet with the correspondence address →  Period for Reply  A SHORTENEO STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a rapply be timely filed after Str. (8) MONTHS from the mailing date of this communication.  False to reply within the set or extended principle of the communication after 5th mailing date of the communication.  False to reply within the set of extended principle of the communication after 5th mailing date of the communication. Finally the set of the set of the set of the communication after 5th mailing date of the communication, even if timely filed, may reduce any examiner platent turn adjustment. Set 37 CFR 1.794(b).  Status  1) □ Responsive to communication(s) filed on 08 April 2005.  2a) □ This action is FINAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-14,22-42 and 44 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  7) □ Claim(s) is/are allowed.  8) □ Claim(s) 1-14,22-42 and 44 are subject to restriction and/or election requirement.  Application Papers  9) □ The precification is objected to by the Examiner.  Old The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Reptacement drawing sheet(s) including the correction is required if the drawing(s) is objected to . See 37 CFR 1.85(a).  Priority under 35 U.S.C. § 119  12) □	Office Action Summary		10/530,810	BROWN ET AL.				
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1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)	a)	All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priority documents application from the International Bureau	s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	ion No ed in this National Stage				
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  6) Other:	1) Notice 2) Notice	ee of References Cited (PTO-892) se of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da 5) Notice of Informal P	ate				

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## **DETAILED ACTION**

Claims 1-14, 22-42, and 44 are pending in the instant application.

## Election/Restrictions

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Due to the numerous variables in the claims, e.g. R<sup>1</sup>, R<sup>2</sup>, R<sup>3</sup>, D<sup>1</sup>, etc... and their widely divergent meanings, a precise listing of inventive groups cannot be made. The following groups are exemplary:

Group I, claim(s) 1-8 (in part), drawn to compounds of Formula I and their

pharmaceutical composition wherein the formula is

Group II, claim(s) 1-8 (in part), drawn to compounds of Formula I and their

pharmaceutical composition wherein the formula is

Group III, claim(s) 1-8 (in part), drawn to compounds of Formula I and their

pharmaceutical composition wherein the formula is

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Group IV, claim(s) 1-8 (in part), drawn to compounds of Formula I and their

pharmaceutical composition wherein the formula is

Group V, claim(s) 1-8 (in part), drawn to compounds of Formula I and their pharmaceutical composition wherein the formula is

Group VI, claim(s) 1-8 (in part), drawn to compounds of Formula I and their

pharmaceutical composition wherein the formula is

Group VII, claim(s) 9-14, 22-42, and 44, drawn to methods of use of compounds and compositions of Formula I.

In accordance with 37 CFR 1.499, Applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted. Again, **this list is not exhausted**, as it would be impossible under the time constraints due to the sheer volume of subject matter instantly claimed. Therefore, Applicant may choose to elect a single invention by identifying another specific embodiment not listed in the exemplary groups of the invention and Examiner will endeavor to group the same. **If Applicant is unable to elect a single invention, Applicant may instead choose to elect a** 

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specific compound and Examiner will attempt to group it. The claims herein lack unity of invention under PCT Rule 13.1 and 13.2 since the compounds defined in the claims lack a significant structural element qualifying as the special technical feature that defines a contribution over the prior art. The compounds claimed contain

$$R_1$$
 $R_2$ 
 $R_3$ 

, where R<sub>1</sub> is aryl, heteroaryl, or heterocyclic; R<sub>2</sub> is alkyl or

H; and R<sub>3</sub> is aryl or heteroaryl; which does not define a contribution over the prior art (USPN 6,197,975). The substituents vary extensively and when taken as a whole result in vastly different compounds. Accordingly, unity of invention is considered to be lacking and restriction of the invention in accordance with the rules of unity of invention is considered proper. Additionally, the vastness of the claimed subject matter and the complications in understanding the claimed subject matter imposes a burden on any examination of the claimed subject matter. The method of use claims will be examined with the elected invention commensurate in scope therewith.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Kosack whose telephone number is (571)-272-5575. The examiner can normally be reached on M-F 7:15-3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph Kosack
Patent Examiner

Art Unit 1626

PRIMARY EXAMINER

KAMAL A. SAEED, PH.D.

Joseph K. McKane Supervisory Patent Examiner

Art Unit 1626